



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

: Examiner:

Debra L. Koplish

: Steven L. Weinstein

Serial No.: 10/635,350

: Group Art Unit No. 1761

Filing Date: 6 August 2003

: Attorney Docket No.

For: THREE DIMENSIONAL CAKE

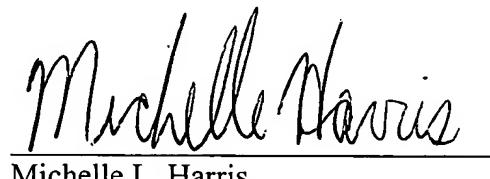
: DLK-101A

SCULPTURE METHOD AND PRODUCT :

Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATION OF MAILING BY EXPRESS MAIL

The undersigned hereby certifies that this document was delivered to the United States Post Office in Flemington, New Jersey 08822 between 7:30 a.m. and 4:30 p.m. Wednesday, 2 November 2005 as EXPRESS MAIL, RETURN RECEIPT REQUESTED. The undersigned further declares that this Certification is made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under applicable sections of United States Patent and Trademark Office and may jeopardize the validity of the application or issuing patent related thereto.



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Michelle L. Harris

ED 982891235 US  
(Docket No. DLK-101A)

NOV 03 2005

IAP19  
PATENT AND TRADEMARK OFFICE

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/635,350

Applicant(s)

KOPLISH, DEBRA L.

Examiner

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Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12 October 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: Claims 1-21 should be listed with the status identifier (Canceled).

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognitice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

571-072-1019

Part of Paper No. 20051019



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| APPLICATION NO.                                                                              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/635,350                                                                                   | 08/06/2003  | Debra L. Koplisch    | DLK-101A            | 8897             |
| 7590                                                                                         | 10/21/2005  |                      | EXAMINER            |                  |
| Kenneth P. Glynn, Esq.<br>Glynn & Associates, P.C.<br>24 Mine Street<br>Flemington, NJ 08822 |             |                      | WEINSTEIN, STEVEN L |                  |
|                                                                                              |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                                              |             |                      | 1761                |                  |

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.